

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THOMAS PUGH, JR.,

Petitioner,

vs

9:02-CV-1050

WILLIAM MAZZUCA,

Respondent.

APPEARANCES:

THOMAS PUGH, JR.
Petitioner, Pro Se
95-B-2496
Adirondack Correctional Facility
P.O. Box 110
Ray Brook, New York 12977

HON. ELIOT L. SPITZER
Attorney General of the
State of New York
Attorney for Respondent
Department of Law
Suite 102
615 Erie Boulevard West
Syracuse, NY 13204

DAVID N. HURD
United States District Judge

OF COUNSEL:

PATRICK F. MacRAE, ESQ.
Asst. Attorney General

DECISION and ORDER

Petitioner, Thomas Pugh, Jr., brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By a report recommendation dated September 28, 2005, the Honorable David E. Peebles, United States Magistrate Judge, recommended that the petition in this matter be denied and dismissed in its entirety. Petitioner has filed timely objections.

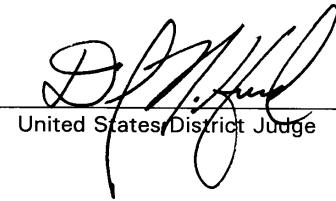
Based upon a de novo determination of the report and recommendation, including the portions to which petitioner objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

Accordingly, it is

ORDERED that the petition is DENIED and DISMISSED in its entirety.

IT IS SO ORDERED.

Dated: January 9, 2006
Utica, New York.


United States District Judge